

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 14-2545 & 14-2719

Caption [use short title]

Motion for: Extension of time to file opening brief Rentokil-Initial Pension Scheme v.
Citigroup Inc., et al.

Set forth below precise, complete statement of relief sought:

Plaintiff-Appellant/Cross-Appellee
seeks a 28-day extension of time to file
the opening brief, which is currently due
on October 20, 2014

MOVING PARTY: Rentokil-Initial Pension Scheme OPPOSING PARTY: Citigroup Inc., et al.

☒ Plaintiff ☐ Defendant
☒ Appellant/Petitioner ☐ Appellee/Respondent

MOVING ATTORNEY: Eric Alan Isaacson

OPPOSING ATTORNEY: Charles E. Davidow

[name of attorney, with firm, address, phone number and e-mail]

Robbins Geller Rudman & Dowd LLP

Paul, Weiss, Rifkind, Wharton & Garrison LLP

655 W. Broadway, #1900, San Diego, CA 92101

2001 K Street, NW, Washington, D.C. 20006

619/231-1058 erici@rgrdlaw.com

202/223-7380 cdavidow@paulweiss.com

Court-Judge/Agency appealed from: Sidney H. Stein, Southern District of New York, No. 12-cv-6653

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes ☐ No (explain): _____

Opposing counsel's position on motion:

☒ Unopposed ☐ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes ☒ No ☐ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?

☐ Yes ☐ No

Has this relief been previously sought in this Court?

☐ Yes ☐ No

Requested return date and explanation of emergency: _____

Is oral argument on motion requested?

☐ Yes ☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes ☒ No If yes, enter date: _____

Signature of Moving Attorney:

s/ Eric Alan Isaacson

Date: October 3, 2014

Service by: ☒ CM/ECF

☐ Other [Attach proof of service]

Nos. 14-2545 & 14-2719

(Docket Number in District Court: 12-cv-06653)

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

RENTOKIL-INITIAL PENSION SCHEME, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff-Appellant/Cross-Appellee,

vs.

CITIGROUP INC., et al.,

Defendants-Appellees/Cross-Appellants.

Appeal from the United States District Court
for the Southern District of New York

PLAINTIFF-APPELLANT/CROSS-APPELLEE'S MOTION FOR EXTENSION
OF TIME TO FILE OPENING BRIEF

ROBBINS GELLER RUDMAN
& DOWD LLP
SAMUEL H. RUDMAN
JOSEPH RUSSELLO
58 South Service Road, Suite 200
Melville, NY 11747
Telephone: 631/367-7100

ROBBINS GELLER RUDMAN
& DOWD LLP
ERIC ALAN ISAACSON
MARK SOLOMON
AMANDA FRAME
JENNIFER N. CARINGAL
655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058

Counsel for Plaintiff-Appellant/Cross-Appellee Rentokil-Initial Pension Scheme

Plaintiff-appellant/cross-appellee's opening brief in this matter is presently due on October 20, 2014. No extension of time to file the opening brief has previously been sought or granted. Pursuant to Federal Rule of Appellate Procedure 26(b), and for the reasons set forth below, plaintiff-appellant/cross-appellee Rentokil-Initial Pension Scheme ("Rentokil") now respectfully moves this Court for an order extending the time in which to file the opening brief until November 17, 2014, which constitutes an extension of 28 days.

Rentokil presents this motion because other responsibilities have made it impossible for the attorney primarily responsible for drafting the opening brief on behalf of plaintiff-appellant/cross-appellee, Eric Alan Isaacson, to complete an adequate brief by October 20, 2014, based on the following extraordinary circumstances:

As Counsel of Record in *Omnicare, Inc. v. Laborers District Council*, U.S. No. 13-435, Mr. Isaacson's recent responsibilities have included filing a Respondents' Brief in the Supreme Court on August 25, 2014. He is now working with Thomas Goldstein to prepare for argument scheduled before the Supreme Court on November 3, 2014, for which Mr. Isaacson will be in Washington, D.C. October 27th, through November 3, 2014.

Counsel must be out of town October 2nd through 5th for the wedding of close friends.

Mr. Isaacson also must prepare for oral argument before the Fifth Circuit on October 8, 2014, in *North Port Frfgtr Pension vs. Temple-Inland, Inc.*, No. 13-10928, an appeal that he only recently learned he would need to step in to argue for another partner at his firm.

Additionally, counsel is responsible for filing a petition for certiorari in *In re Herald, Primeo, and Thema*, Nos. 12-156 & 12-162, which is due to be filed in the Supreme Court on October 28, 2014.

Counsel for the defendants-appellees/cross-appellants, Charles E. Davidow, was informed of this motion by Ms. Amanda Frame, on behalf of Mr. Isaacson, via voicemail and email on October 2, 2014. He graciously responded by email on October 2, 2014, that he has no objection to the requested extension, and does not plan to file a response.

For the foregoing reasons, plaintiff-appellant/cross-appellee respectfully requests that this Court enter an order extending the due date for filing the opening brief to November 17, 2014.

DATED: October 3, 2014

Respectfully submitted,

ROBBINS GELLER RUDMAN
& DOWD LLP
ERIC ALAN ISAACSON
MARK SOLOMON
AMANDA FRAME
JENNIFER N. CARINGAL

s/ ERIC ALAN ISAACSON
ERIC ALAN ISAACSON

655 West Broadway, Suite 1900
San Diego, CA 92101-3301
Telephone: 619/231-1058
619/231-7423 (fax)

ROBBINS GELLER RUDMAN
& DOWD LLP
SAMUEL H. RUDMAN
JOSEPH RUSSELLO
58 South Service Road, Suite 200
Melville, NY 11747
Telephone: 631/367-7100
631/367-1173 (fax)

Attorneys for Plaintiff-Appellant/Cross-
Appellee Rentokil-Initial Pension Scheme

DECLARATION OF SERVICE

I HEREBY CERTIFY under penalty of perjury that, on October 3, 2014, I am causing a true and correct copy of the foregoing to be filed with the Clerk of the Court for the Second Circuit Court of Appeals by using the appellate CM/ECF. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Executed on October 3, 2014, at San Diego, California

s/ ERIC ALAN ISAACSON
ERIC ALAN ISAACSON